



8-20-04

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PATENT  
Attorney Docket No. 101.0112-01000  
Customer No. 22882  
Express Mail Label No. ED149927685US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Gary K. Michelson, M.D.	)	Confirmation No.: 6717
Serial No.: 10/809,242	)	
Filed: March 25, 2004	)	Group Art Unit: 3732
For: INSTRUMENTATION FOR USE WITH	)	
DYNAMIC SINGLE-LOCK ANTERIOR	)	
CERVICAL PLATE SYSTEM HAVING	)	
NON-DETACHABLY FASTENED AND	)	
MOVEABLE SEGMENTS	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

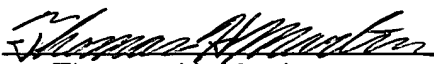
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 18, 2004

By:   
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Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

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Date of Deposit: August 18, 2004

I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
2. Form PTO-1449
3. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

Date: August 18, 2004

  
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Substitute for FORM PTO-1449		Attorney Docket Number 101.0112-01000	Customer No. 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> (Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Applicant Gary K. Michelson, M.D.		Application Number 10/809,242
		Filing Date March 25, 2004	Group Art Unit 3732	Examiner (P. Philogene)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,034,418	7/1977	Jackson et al.			
	4,743,256	5/1988	Brantigan			
	5,167,665	12/1992	McKinney			
	5,672,177	9/1997	Seldin			
	6,045,554	4/2000	Grooms et al.			
	6,217,580	4/2001	Levin			
	6,224,607	5/2001	Michelson			
	6,395,030	5/2002	Songer et al.			
	6,558,686	5/2003	Darouiche			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.